

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

CERTAINTEED LLC,

Plaintiff,

v.

GAF MATERIALS LLC,

Defendant.

Civil Action No. 3:25-cv-00699

JURY TRIAL DEMANDED

**COMPLAINT FOR PATENT INFRINGEMENT
AND DEMAND FOR JURY TRIAL**

INTRODUCTION

1. Plaintiff CertainTeed LLC (“CertainTeed”), by and through its undersigned counsel, hereby brings this Complaint to protect CertainTeed’s patented technologies from infringement by Defendant GAF Materials LLC (“GAF” or “Defendant”).

2. CertainTeed has helped shape the building products industry since the early 1900s and has evolved into a leading brand of exterior and interior building products, including through its commitment to the responsible development of energy-saving building solutions.

3. CertainTeed’s innovative work on exterior building products has included work on roofing materials, such as heat-reflective shingles incorporating unique granule technology. And, CertainTeed has solved challenging problems associated with such products. For example, as the United States Patent and Trademark Office (the “USPTO”) recognized, CertainTeed addressed a need for roofing materials, and in particular asphalt shingles that offer improved resistance to thermal stresses and increased solar heat reflectance in aesthetically-pleasing, deep-tone colors.

4. Without CertainTeed's authorization, GAF has been making, using, and selling reflective shingles covered by CertainTeed's patent, including GAF's "California COOL Shingles" (including its Grand Sequoia RS, Timberline CS, Timberline HDZ RS, Timberline HDZ, Timberline HDZ RS+, Timberline NS, and Royal Sovereign shingle lines) and roofing systems comprising same, forcing CertainTeed to compete against its own technological breakthroughs. GAF's conduct in this regard is unjust and illegal because it violates the United States patent laws. CertainTeed thus brings this Complaint to address GAF's infringement of CertainTeed's patents.

NATURE OF THE ACTION

5. This is a civil action for patent infringement, brought under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*

THE PARTIES

6. CertainTeed is a Delaware limited liability company with a principal place of business at 20 Moore Road, Malvern, Pennsylvania 19355.

7. On information and belief, GAF is a limited liability company organized and existing under the laws of the State of Delaware.¹

8. On information and belief, GAF is registered to do business in Texas, and has a regular and established place of business in this District, including at its Ennis facility located at 202 Cedar Road, Ennis, Texas 75119, which is GAF's largest manufacturing facility for shingles in this District. GAF also conducts business, including the manufacture of shingles, at its Dallas

¹ See, e.g., Delaware Division of Corporations, "GAF Materials LLC," available at <https://icis.corp.delaware.gov/Ecorp/EntitySearch/NameSearch.aspx> (last accessed Mar. 18, 2025) (attached as Exhibit B).

facility located at 2600 Singleton Boulevard, Dallas, Texas 75212, in this District.²

9. On information and belief, GAF can be served with process through its registered agent for service of process, Corporation Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701, at GAF's place of business, or anywhere else it may be found.³

JURISDICTION AND VENUE

10. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338 because this action arises under the patent laws of the United States, including 35 U.S.C. § 271 *et seq.*

11. This Court has personal jurisdiction over GAF by virtue of the continuous and systematic activities that GAF conducts within the State of Texas and this District, and by virtue of the specific activities that GAF conducts in the State of Texas and this District that give rise to this action. Specifically, on information and belief, GAF has principal places of business in this District (at 202 Cedar Road, Ennis, Texas 75119 and 2600 Singleton Boulevard, Dallas, Texas 75212), transacts and conducts business in and with residents of the State of Texas, including in this District, and has infringed United States Patent No. 7,241,500 (the ““500 patent,” or the “Asserted Patent”) in the State of Texas and this District, for example, through its manufacture of “California COOL Shingles” (including its Grand Sequoia RS, Timberline CS, Timberline HDZ RS, Timberline HDZ, Timberline HDZ RS+, Timberline NS, and Royal Sovereign shingle lines)

² See, e.g., August 15, 2022 Internet Archive Capture of GAF, “Manufacturing at GAF,” available at <https://web.archive.org/web/20220815034219/https://www.gaf.com/en-us/about-us/manufacturing> (last accessed Mar. 18, 2025) (attached as Exhibits C-E).

³ See, e.g., GAF Materials, LLC Franchise Tax Account Status, available at <https://mycpa.cpa.state.tx.us/coa/coaSearchBtn> (last accessed Mar. 18, 2025) (attached as Exhibit F).

and roofing systems comprising same, including from its Ennis and Dallas facilities.⁴

12. Additionally, this Court's exercise of personal jurisdiction over GAF comports with Texas Civil Practice & Remedies Code §§ 17.041 *et seq.* GAF regularly conducts business within the State of Texas and this District, including, for example and on information and belief, through the infringing manufacture of "California COOL Shingles" (including its Grand Sequoia RS, Timberline CS, Timberline HDZ RS, Timberline HDZ, Timberline HDZ RS+, Timberline NS, and Royal Sovereign shingle lines) and roofing systems comprising same at GAF's facilities in this District, including the Ennis and Dallas facilities. GAF also recruits Texas residents, including residents of this District, for employment, including in roles that facilitate and contribute to its infringement, e.g., manufacturing at its Ennis facility.⁵ And, GAF places products resulting from and reflecting GAF's acts of infringement into the stream of commerce in the State of Texas and this District, for example, through its activities at its Ennis and Dallas facilities and while working

⁴ See, e.g., GAF, "EcoDark Granule Technology" (Feb. 2021), available at https://spartanhomepros.com/wp-content/uploads/2023/08/Data_Sheet_EcoDark_Granule_Technology_RESGN486.pdf (last accessed Mar. 18, 2025) (attached as Exhibit G); see also footnote 2, Exs. C-E.

⁵ See, e.g., Workday, "GAF Careers," available at https://gafsgi.wd5.myworkdayjobs.com/GAF_Careers?locations=0576ffeaeb70104f5ed9c2cdf13c6a51&locations=3b99cd4193cd1001024da0bffe710000&locations=0576ffeaeb70104f5f0bb0877f2e6b8d&locations=98cb5113bb73104e83c2cb6f63f84e2f (last accessed Mar. 18, 2025) (attached as Exhibit H); Workday, "Senior Process Research & Development Engineer - Asphalt," available at https://gafsgi.wd5.myworkdayjobs.com/en-US/GAF_Careers/job/Ennis-TX/Senior-Process-Research---Development-Engineer---Asphalt_23255?workerSubType=337f6ab17b064268b8f10c71cd5adf5e&locations=a2e76080c2ff102e7d547a403d96a700&locations=98cb5113bb73104e7083fc0f8e95d5d8&locations=0576ffeaeb70104f5ed9c2cdf13c6a51&locations=3b99cd4193cd1001024da0bffe710000&locations=0576ffeaeb70104f5f0bb0877f2e6b8d&locations=98cb5113bb73104e83c2cb6f63f84e2f&locations=98cb5113bb73104e76e64273ff91f8b9 (last accessed Mar. 18, 2025) (attached as Exhibit I).

with roofing companies and contractors who do business in the State of Texas and this District.⁶ Accordingly, this Court’s exercise of jurisdiction over GAF comports with constitutional standards of fair play and substantial justice and arises directly from GAF’s purposeful minimum contacts with the State of Texas and this District.

13. Venue is proper in this District pursuant to 28 U.S.C. § 1400(b).

14. GAF has a regular and established place of business within this District—e.g., the Ennis facility from which GAF transacts business, including office, research, and manufacturing activities, and recruits and hires employees.⁷ *See also* footnote 2, Exs. C-E. The former President and CEO of GAF Materials Corporation, Mr. Jim Schnepper, has remarked that “the city of Ennis has been very supportive of [GAF’s] growth and really created the jobs here in Ennis.” *See* footnote 7 (“Our GAF Hometown: Ennis, Texas” video) at 1:01. Similarly, a General Manager of GAF’s Ennis facility, Mr. David Tuttle, has explained that, as of August 2020, GAF had “hired probably 150 employees in the last three to four years alone,” “continued to grow [its] production facilities,” and “expanded [its] floor shift operations.” *Id.* at 1:10.

15. On information and belief, GAF has committed acts of infringement in this District, including at and from its Ennis facility, for example, through the manufacture of “California COOL Shingles” (including its Grand Sequoia RS, Timberline CS, Timberline HDZ RS,

⁶ See, e.g., GAF Roofing Contractors, “Best Roofers in Ennis, TX,” available at <https://www.gaf.com/en-us/roofing-contractors/residential/usa/texas/ennis?distance=25> (last accessed Mar. 18, 2025) (attached as Exhibit J).

⁷ See, e.g., GAF Roofing, “Our GAF Hometown: Ennis, Texas | GAF Roofing” (published Aug. 12, 2020), available at <https://www.youtube.com/watch?v=PTZRMjC7cS8> (last accessed Mar. 18, 2025) (YouTube page attached as Exhibit K); *see also* ORBIS REPORT FOR GAF MATERIALS CORPORATION 9 (date updated Mar. 14, 2025) (showing that GAF Materials LLC is the majority shareholder of GAF Materials Corporation) (attached as Exhibit L).

Timberline HDZ, Timberline HDZ RS+, Timberline NS, and Royal Sovereign shingle lines) and roofing systems comprising same. *See* footnote 2, Exs. D-E.

16. On information and belief, GAF maintains a “strategic network of manufacturing facilities,” including its Ennis facility, which “is home to two manufacturing lines and a research and development center.” *See* footnote 2, Exs. D-E. The Ennis facility includes the “Ennis Shingle Plant,” which “produces several different types of residential shingles” including the accused Timberline HDZ and Timberline NS shingle lines, and the Timberline AS II shingle line. *Id.*

17. On information and belief, the Ennis facility has been in operation since 1979, including during the term of the ’500 patent. *Id.* On information and belief, GAF’s Ennis facility employs over 250 employees, including employees connected with the manufacture of the accused Timberline HDZ and Timberline NS shingle lines. *Id.*⁸

18. On information and belief, GAF’s Dallas facility, another part of GAF’s network of manufacturing facilities, “produces residential roofing shingles,” including the accused Timberline HDZ, Timberline NS, and Royal Sovereign shingle lines. *See* footnote 2, Ex. C.

19. On information and belief, the Dallas facility was acquired by GAF in 1968, and has been in operation during the term of the ’500 patent. *Id.* On information and belief, GAF’s Dallas facility employs over 140 employees, including employees connected with at least the manufacture of the accused Timberline HDZ, Timberline NS, and Royal Sovereign shingle lines. *Id.*

20. Additionally, high-ranking GAF employees, including individuals relevant to this

⁸ See also, GAF, “How GAF Team Members Are Making an Impact in Ennis, Texas” (Apr. 9, 2024), available at <https://www.gaf.com/en-us/blog/in-your-community/how-gaf-team-members-are-making-an-impact-in-ennis-texas-281474980297840> (last accessed Mar. 18, 2025) (attached as Exhibit M) (“Many team members have worked there for 30 to 40 years, or more, and are lifelong residents of the city.”).

action, are here—in the State of Texas and this District. For example, GAF’s website identifies Mr. Tuttle, now Senior Director of Residential Operations at GAF, as having joined the Ennis, Texas community in 2004.⁹ *See also* footnote 8, Ex. M. As another example, Mr. Bryan Hill, Director of Manufacturing Technology at GAF, is located in Dallas-Forth Worth, Texas, also in this District.¹⁰

CERTAINTEED’S ASSERTED PATENT

21. CertainTeed asserts against GAF United States Patent No. 7,241,500.
22. On July 10, 2007, the USPTO, after full and fair examination, duly and legally issued the ’500 patent, which is titled “Colored Roofing Granules With Increased Solar Heat Reflectance, Solar Heat-Reflective Shingles, And Process For Producing Same.” A true and correct copy of the ’500 patent is attached as Exhibit A.
23. The ’500 patent, which expired in July 2024, claims novel, patent-eligible subject matter and is enforceable. And CertainTeed holds all right, title, and interest in, and full rights to enforce, the ’500 patent.
24. GAF did and does not have a license to the ’500 patent, either expressly or implicitly, and did and does not enjoy or benefit from any rights in or to the ’500 patent.
25. The ’500 patent describes and claims innovative, solar-reflective roofing granules comprising particles coated with a cured composition comprising a binder and a colored, infrared-reflective pigment, roofing products incorporating such granules, and methods for making such roofing products. *See generally* ’500 patent.

⁹ See David Tuttle, LINKEDIN, available at <https://www.linkedin.com/in/david-tuttle-72159118/> (last accessed Mar. 18, 2025) (attached as Exhibit N).

¹⁰ See Bryan Hill, LINKEDIN, available at <https://www.linkedin.com/in/bryan-hill-0451b946/> (last accessed Mar. 18, 2025) (attached as Exhibit O).

GAF'S SHINGLES

26. GAF manufactures, markets, and sells shingles, including its “California COOL Shingles” (including its Grand Sequoia RS, Timberline CS, Timberline HDZ RS, Timberline HDZ, Timberline HDZ RS+, Timberline NS, and Royal Sovereign shingle lines) and roofing systems comprising same that, on information and belief, GAF was manufacturing, marketing, and selling during the term of the ’500 patent. *See* footnote 4, Ex. G at 2.

27. GAF has asserted that granule technology in such shingles, including its “California COOL Shingles,” “produce[s] vibrant color never before seen in a cool roof,” including “the rich, vibrant colors you’ve always wanted in a highly reflective shingle.” *Id.* GAF also has asserted that an added benefit of its shingles, the manufacture of which infringes CertainTeed’s patented technology, is that the shingles “meet the prescriptive solar reflectance and thermal emittance requirements” under Title 24, Part 6 of California’s Building Energy Efficiency Standards for Residential Buildings and other “cool roof” requirements. *Id.*¹¹

28. Hereafter, the term “Accused Shingles” refers to all products manufactured by or on behalf of GAF using the process claimed in the ’500 patent, including at least GAF’s “California COOL Shingles” (including its Grand Sequoia RS, Timberline CS, Timberline HDZ RS, Timberline HDZ, Timberline HDZ RS+, Timberline NS, and Royal Sovereign shingle lines).

¹¹ See, e.g., GAF, “Timberline HD Reflector Series” (Mar. 2018), available at [https://www.hwconstruction.com/hubfs/Website%20\(DO%20NOT%20DELETE\)/Exterior/roofing/GAF/Brochures/GAF%20Roofing%20Timberline%20HD%20Reflector%20Series%20Brochure.pdf](https://www.hwconstruction.com/hubfs/Website%20(DO%20NOT%20DELETE)/Exterior/roofing/GAF/Brochures/GAF%20Roofing%20Timberline%20HD%20Reflector%20Series%20Brochure.pdf) (attached as Exhibit P); GAF, “EcoDark Granule Technology” (2024), available at <https://documents.gaf.com/data-sheets/ecodark-granules-sell-sheet-resgn486.pdf> (attached as Exhibit Q) (“Before now, if you wanted a highly reflective dark-colored roof that met the cool roof requirements of Title 24, you would have had to settle for colors that were much less vibrant than those available for traditional shingles.”); GAF, “California COOL Shingles Reference Guide” (2024), available at <https://documents.gaf.com/brochures-&-literature/california-cool-brochure-resgn372.pdf> (attached as Exhibit R) (identifying each shingle line’s solar reflectance index (SRI) value).

29. As explained in more detail below, GAF's manufacture of the Accused Shingles and/or roofing systems comprising same infringes the '500 patent, either literally or under the doctrine of equivalents, and GAF's manufacture of such products damaged CertainTeed.

FACTUAL ALLEGATIONS RELATING TO WILLFULNESS

30. On information and belief, GAF had knowledge of the '500 patent and its infringement at least as early as January 2020, and no later than June 2022.

31. Ming-Liang Shiao, a named inventor on the '500 patent, began working for GAF in March 2014 as a Principal Scientist. Before joining GAF, he worked for CertainTeed or a CertainTeed affiliate for over two decades.¹²

32. On information and belief, Mr. Shiao would have known that the manufacturing processes for the Accused Shingles, including the Timberline HDZ shingle which launched in January 2020, infringe the '500 patent, given his knowledge of and familiarity with the subject matter of the '500 patent.¹³ For example, before the Timberline HDZ shingle launched in January 2020, Mr. Shiao had already worked as a GAF Principal Scientist for nearly six years. *See* footnote 12, Ex. S. And, in the period following the launch of the Timberline HDZ shingle in January 2020, Mr. Shiao was an R&D Manager for Shingle Innovations at GAF. *Id.* On information and belief, Mr. Shiao possessed "long experience with asphalt shingles," and worked on "new materials, design and roofing types" at GAF. *Id.* By virtue of being a named inventor on the '500 patent, Mr. Shiao had knowledge of that patent, and GAF thus knew or should have known of the '500 patent and its infringement.

¹² See Ming-Liang Shiao, LINKEDIN, available at <https://www.linkedin.com/in/ming-liang-shiao-562223b/> (last accessed Mar. 18, 2025) (attached as Exhibit S).

¹³ See, e.g., GAF, "GAF Unveils Timberline HDZ Shingles Powered by LayerLock Technology," available at <https://www.gaf.com/en-us/about-us/news-press-releases/2020/gaf-unveils-timberline-hdz-shingles> (last accessed Mar. 18, 2025) (attached as Exhibit T).

33. Additionally, the '500 patent was disclosed to the USPTO by Specialty Granules Investments, LLC ("SGI"), a sister company to GAF, during prosecution of United States Patents Nos. 11,136,760, 11,718,991, and 12,084,864 (SGI patents prosecuted during the term of the '500 patent).¹⁴

34. Furthermore, on information and belief, GAF monitors CertainTeed's patent portfolio. CertainTeed and GAF are two of the largest suppliers of residential shingles and roofing systems in the United States and compete in that space. Accordingly, on information and belief, GAF's monitoring of CertainTeed's patent portfolio gave GAF knowledge of the '500 patent and GAF's infringement.

35. Moreover, in view of at least Mr. Shiao's assignment of his rights in the '500 patent to CertainTeed and, on information and belief, Mr. Shiao's relationship with GAF and contributions to the development of GAF shingles, GAF is estopped from challenging the validity of the '500 patent under the doctrine of assignor estoppel.

CLAIMS FOR RELIEF

36. The allegations in the following Claims For Relief have evidentiary support or will likely have evidentiary support after a reasonable opportunity for further investigation or discovery. CertainTeed does not yet have the benefit of any discovery from GAF.

37. The Court has not construed the meaning of any claims or terms in the '500 patent. In providing the detailed allegations set out in the Count below, CertainTeed does not intend to convey or imply any particular claim constructions or the precise scope of the claims.

¹⁴ See Apr. 28, 2020, Information Disclosure Statement to U.S. Patent 11,136,760 File History, at 2 (attached as Exhibit U); Sept. 29, 2021, Information Disclosure Statement to U.S. Patent 11,718,991 File History, at 2 (attached as Exhibit V); June 9, 2023, Information Disclosure Statement to U.S. Patent 12,084,864 File History, at 2 (attached as Exhibit W).

CertainTeed's claim construction contentions regarding the full meaning and scope of the claim terms will be provided in compliance with the case schedule and any applicable orders.

38. CertainTeed contends that GAF directly infringes the asserted claim of the '500 patent because each element of the asserted claim is literally met by GAF's manufacture of the Accused Shingles, including GAF's "California COOL Shingles" (including its Grand Sequoia RS, Timberline CS, Timberline HDZ RS, Timberline HDZ, Timberline HDZ RS+, Timberline NS, and Royal Sovereign shingle lines) and roofing systems comprising same. CertainTeed further contends that if the Court's constructions or other determinations indicate that an element of the asserted claim is not literally met, each such element is present under the doctrine of equivalents. If necessary, CertainTeed will provide more detailed doctrine of equivalents contentions after discovery from GAF or a claim construction order by the Court.

COUNT ONE – INFRINGEMENT OF THE '500 PATENT

39. CertainTeed repeats and realleges the allegations of Paragraphs 1 through 38 above as if set forth herein.

40. GAF has directly infringed at least claim 33 of the '500 patent.

41. Claim 33 of the '500 patent recites:

A process for preparing a bituminous roofing product, the process comprising:

(a) saturating a sheet of fibrous material with a bituminous coating material to form a substrate, and

(b) applying infrared-reflective roofing granules to the substrate, the infrared-reflective roofing granules comprising base particles coated with a cured coating composition comprising a binder and at least one colored, infrared-reflective pigment.

42. On information and belief, GAF's manufacture of the Accused Shingles, including its "California COOL Shingles" (including its Grand Sequoia RS, Timberline CS, Timberline HDZ

RS, Timberline HDZ, Timberline HDZ RS+, Timberline NS, and Royal Sovereign shingle lines) and roofing systems comprising same satisfy all the limitations of claim 33 of the '500 patent.

43. The preamble of claim 33 of the '500 patent recites: "A process for preparing a bituminous roofing product, the process comprising:"

44. To the extent the preamble is limiting, it is satisfied by GAF's manufacture of the Accused Shingles, including its "California COOL Shingles" (including its Grand Sequoia RS, Timberline CS, Timberline HDZ RS, Timberline HDZ, Timberline HDZ RS+, Timberline NS, and Royal Sovereign shingle lines) and roofing systems comprising same.

45. The Accused Shingles are roofing products. *See, e.g.*, NSF, GAF Timberline HDZ Shingles – Environmental Product Declaration, *available at* <https://info.nsf.org/Certified/Sustain/ProdCert/EPD10397.pdf> (attached as Exhibit X) at 2, 4. And, on information and belief, the Accused Shingles are "bituminous" roofing products, including because they are manufactured from "raw materials includ[ing] fiberglass mat, **bitumen**, ceramic-coated mineral granules, silica and limestone." *Id.* at 4-5 (GAF's Timberline HDZ shingle's material composition is 15-20% bitumen) (emphasis added). Consequently, GAF's processes for manufacturing the Accused Shingles are processes for preparing bituminous roofing products.

46. Claim 33 of the '500 patent further recites: "saturating a sheet of fibrous material with a bituminous coating material to form a substrate"

47. On information and belief, the Accused Shingles are manufactured using processes comprising saturating sheets of fibrous materials, such as fiberglass mats, with bituminous coating materials to form substrates. *Id.* at 4-5, Fig. 1 ("saturation" step); footnote 15, Ex. Y at 2 ("Next, the fiberglass mat is saturated with hot asphalt ... Once saturated, the mat passes through a series

of rollers that apply additional layers of asphalt to both sides.”).¹⁵

48. Claim 33 of the ’500 patent further recites: “applying infrared-reflective roofing granules to the substrate”

49. On information and belief, the Accused Shingles are manufactured using processes comprising applying infrared-reflective roofing granules to substrates. *See, e.g.*, Ex. X, Fig. 1 (“mineral surfacing” step); footnote 15, Ex. Y at 2 (“[T]he top surface is embedded with mineral granules.”). For example, GAF product information provides that Timberline HDZ shingles have elevated reflectivities between 0.17 and 0.20 for certain colors. *See, e.g.*, footnote 4, Ex. G at 2 (Timberline HDZ shingles use granules that “meet the prescriptive solar reflectance” requirements to qualify as a “cool roof”).¹⁶

¹⁵ *See also, e.g.*, Eiseman Exterior Experts Blog, “The Making of GAF Timberline HDZ Shingles: A Blend of Innovation and Craftsmanship” (Jan. 8, 2025), *available at* <https://www.eiseman.biz/the-making-of-gaf-shingles/> (last accessed Mar. 18, 2025) (attached as Exhibit Y); Illinois Department of Public Health, “Environmental Health Fact Sheet – Fiberglass,” *available at* <https://www.idph.state.il.us/envhealth/factsheets/fiberglass.htm> (last accessed Mar. 18, 2025) (attached as Exhibit Z) (“Fiberglass is the trade name for a man-made fiber that also may be called fibrous glass or glass wool. A fiber is a particle that is at least three times as long as it is wide.”); Your New House, “How Asphalt Shingles Are Made – Did You Know” (published Aug. 6, 2020), *available at* <https://www.youtube.com/watch?v=acynBfdNkVw> (last accessed Mar. 18, 2025) (YouTube page attached as Exhibit AA); Wayne Froemke, “How GAF Roof Shingles Are Manufactured” (published Mar. 3, 2012), *available at* <https://www.youtube.com/watch?v=cjwfbqQ-TIQ> (last accessed Mar. 18, 2025) (YouTube page attached as Exhibit BB).

¹⁶ *See also, e.g.*, SGI, “Energy Efficiency Meets Brilliance in SGI’s Gen 3 Reflective Granules,” *available at* <https://www.standardindustries.com/gen-3-reflective-granules-sgi/> (last accessed Mar. 18, 2025) (attached as Exhibit CC) (“SGI’s “Generation 3 Reflective line” offered higher reflectivity for GAF’s “Reflector Series” (including, e.g., the Timberline HDZ RS and Timberline HDZ RS+ shingle lines) “[b]y limiting the transmission of solar infrared radiation through the shingle”); SGI, “Solar Reflective Roofing Granules – Technical Product Summary,” *available at* <https://www.specialtygranules.com/sites/default/files/sgi-pdssolar-reflective-granules-colors.pdf> (attached as Exhibit DD); California Energy Commission, “Building Energy Efficiency Standards for Residential and Nonresidential Buildings” (2022), *available at* https://www.energy.ca.gov/sites/default/files/2022-12/CEC-400-2022-010_CMF.pdf (attached as Exhibit EE); IKO, “Guide to Residential Cool Roofs,” *available at* <https://www.iko.com/blog/guide-to-residential-cool-roofs/> (last accessed Mar. 18, 2025) (attached

50. Claim 33 of the '500 patent further recites: "the infrared-reflective roofing granules comprising base particles coated with a cured coating composition comprising a binder and at least one colored, infrared-reflective pigment."

51. On information and belief, the Accused Shingles' infrared-reflective roofing granules (*see Paragraph 49*) comprise base particles with a cured coating composition comprising a binder and at least one colored, infrared-reflective pigment. For example, on information and belief, Timberline HDZ shingles comprise colored, infrared-reflective pigments bound in cured coating compositions, which allow GAF's shingles to be pigmented to provide "vibrant, dark colors," such as Golden Amber, Copper Canyon, and Birchwood. *See* footnote 4, Ex. G at 2; footnote 11, Ex. Q at 2; footnote 15 ("How GAF Roof Shingles Are Manufactured" video) at 5:24-5:30 ("[t]hose granules is what are giving it the color that is then burned into the fiberglass"); *see also*, e.g., U.S. Patent No. 11,802,408, with which Timberline HDZ shingles are marked (providing: "The top of the shingle's exposed surface may be coated with a reduced size colored ceramic coated mineral surfacing granule mixed with a antimicrobial polypropylene granule") (attached as Exhibit II).

52. For at least the reasons set out in the preceding paragraphs, each limitation of claim 33 of the '500 patent is met by GAF's manufacture of the Accused Shingles and/or roofing systems comprising same, either literally or under the doctrine of equivalents.

as Ex. FF); GAF, "Timberline Cool Series" (May 2019), *available at* [https://www.hwconstruction.com/hubfs/Website%20\(DO%20NOT%20DELETE\)/Exterior/roofing/GAF/Brochures/GAF%20Roofing%20Timberline%20Cool%20Series%20Brochure.pdf](https://www.hwconstruction.com/hubfs/Website%20(DO%20NOT%20DELETE)/Exterior/roofing/GAF/Brochures/GAF%20Roofing%20Timberline%20Cool%20Series%20Brochure.pdf) (attached as Exhibit GG) (Timberline CS brochure advertising a proprietary outer coating that "[r]eflects infrared (invisible) and UV (visible) light to help keep your roof cool"); GAF, "GAF Solar Reflective Products and Ratings for Shingles" (updated Dec. 13, 2023), *available at* <https://documents.gaf.com/codes/solar-reflective-products-and-ratings-for-shingles.pdf> (attached as Exhibit HH) (GAF listing "California COOL Shingles" on its list of "solar reflective products and ratings for shingles").

53. GAF thus has infringed the '500 patent by making the Accused Shingles and/or roofing systems comprising same, and GAF is liable to CertainTeed for infringement pursuant to 35 U.S.C. § 271(a).

54. GAF has been aware of the '500 patent since at least as early as January 2020. *See Paragraphs 30-35.* GAF's infringement thus has been willful and deliberate, entitling CertainTeed to enhanced damages pursuant to 35 U.S.C. § 284 and recovery of attorneys' fees and costs pursuant to 35 U.S.C. § 285.

55. GAF's infringement has caused damage to CertainTeed, and CertainTeed is entitled to recover damages in an amount subject to proof at trial pursuant to 35 U.S.C. § 284.

PRAYER FOR RELIEF

WHEREFORE, CertainTeed respectfully requests that this Court enter judgment that:

- A. GAF infringes the '500 patent;
- B. CertainTeed be awarded damages adequate to compensate for GAF's infringement, pursuant to 35 U.S.C. § 284, including pre-judgment and post-judgment interest;
- C. CertainTeed be awarded treble damages for GAF's willful infringement, pursuant to 35 U.S.C. § 284;
- D. An award of attorneys' fees based on this being an exceptional case pursuant to 35 U.S.C. § 285, including prejudgment interest on such fees;
- E. Costs and expenses in this action; and
- F. An award of such other and further relief as the Court deems just and/or proper.

DEMAND FOR JURY TRIAL

CertainTeed respectfully demands a trial by jury on all issues triable to a jury.

Date: March 24, 2025

Respectfully submitted,

/s/ Bradley W. Caldwell

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